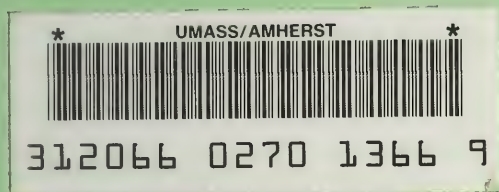


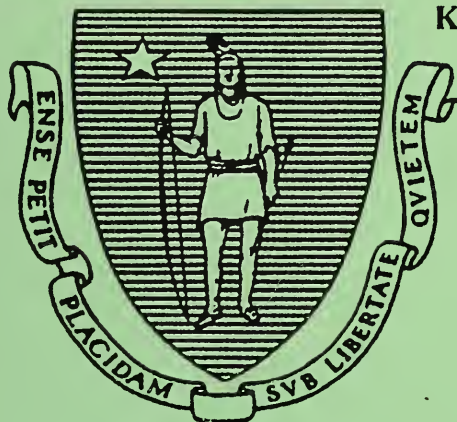
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CIVIL SERVICE



CHRISTINE MORRIS

Chairman



Commissioners
Mary LeClair
Marilyn Rollins
Daniel O'Neil
Kevin Tivnan

COMMISSION

A GUIDE TO THE CIVIL SERVICE
PROCESS

GOVERNMENT DOCUMENTS
COLLECTION

OCT 28 1999

University of Massachusetts
Depository Copy

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Attached is a guide describing the practice and procedures of the Civil Service Commission. My staff and I wrote this guide with the goal of explaining and simplifying the process of filing an appeal and those several steps that lead to our issuing a decision on your appeal. Initially the process can appear cumbersome and confusing. I would like to direct you to the section, "Frequently Asked Questions." There it is made clear which issues the Civil Service Commission handles (mainly appeals) and which issues are handled by the Human Resources Division (examinations, civil service lists, veterans status, etc.).

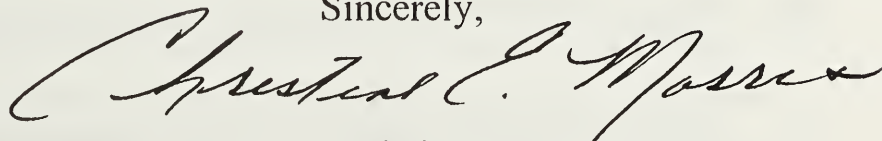
We have also included a sample of an appeal form, an explanation of filing deadlines for appeals, a time frame for decisions to be rendered and a bit of history on the Civil Service Commission.

I trust this guide will be helpful to you. If you have any questions or concerns please feel free to contact my staff.

Telephone and fax numbers appear on the front page. We have established a new office in downtown Worcester to conduct hearings for the convenience of those of you in the western part of the state. Please advise our staff when filing your appeal if you would like to have your case heard there.

Finally, I would like to express my appreciation to all of you who have supported the Civil Service Commission over the years.

Sincerely,

A handwritten signature in cursive script, reading "Christine E. Morris". The signature is written in dark ink and is positioned above the printed name.

Christine E. Morris

Chairman

Civil Service Commission

I. Powers and Duties of the Civil Service Commission

The Civil Service Commission is a quasi-judicial administrative body that hears and determines appeals regarding the merit system in public employment, including but not limited to police and fire department personnel, and employees of municipalities. An important purpose of the civil service system is assuring that all employees are protected against coercion for political purposes and are protected from arbitrary and capricious actions.

The Commission has the power and duty to: conduct investigations; hear and decide appeals by persons aggrieved by the actions of the personnel administrator, including limited jurisdiction over civil service examination appeals; conduct hearings regarding performance evaluations; and to hear and decide appeals concerning the discharge, removal, suspension, demotion and transfer of civil service employees.

II. Organization

The Civil Service Commission is a bipartisan body consisting of five Commissioners appointed by the Governor; one of whom is to be classified as a bona fide representative of labor based on vocation, employment, occupation or affiliation. Not more than three members may be from the same political party. The Governor designates one of the Commissioners as chairman.

III. What is the Civil Service Merit System?

The civil service system for the Commonwealth was first enacted in 1884 making it one of the oldest in the nation. The civil service system has gone through a number of changes and was significantly reformed in 1978. Massachusetts General Law Chapter 31, provides the

framework for the merit system which was established pursuant to the Massachusetts State Constitution. Title IV encompasses Chapter 31, the rules and regulations governing civil service. The Civil Service Commission is the administrative appeals agency for the merit system.

IV. Appeals to the Civil Service Commission

Most appeals to the Commission are classified into three categories:

- a) Bypass Cases - A bypass occurs when a person with a lower examination score is selected over a person with a higher score. This also applies to promotions. A bypass does not occur if one or more candidates have a tie score. If an appointing authority seeks to bypass a candidate, the Commonwealth's personnel administrator, (Human Resources Division), must approve the reasons for selection. The sufficiency of the reasons for selection may be appealed to the Commission. If the Commission finds that the reasons are not sufficient, wide discretion is allotted to the Commission in fashioning a remedy. The Commission has the authority to vacate appointments and have the appointing authority redo the process. The Commission does not have the authority to order the appointing authority to appoint a candidate to a particular position.

- b) Discipline cases - A discipline case arises when an appointing authority discharges, removes, demotes, or suspends a tenured employee, or abolishes a tenured employee's position. **Following a hearing before the employees appointing authority and within ten days** from receiving the appointing authority's decision, an employee may appeal the appointing authority's actions to the Commission. The appointing authority must

establish sound and sufficient reasons for the action. The Civil Service Commission has the authority to affirm, modify, or reverse a disciplinary action taken by the appointing authority. Remember, an appeal to the Commission must be filed **within ten days** from receipt of the appointing authority's decision.

c) **Reclassification** - A reclassification claim is filed when an employee seeks, based upon his or her duties or responsibilities, reallocation to a higher job classification or title. To appeal for a reclassification, **an employee must first appeal to the personnel administrator, (Human Resources Division)**. If the appeal is denied then an appeal may be brought to the Commission. If the Commission finds justification for reallocation, reallocation shall be effective as of the date of the appeal to the personnel administrator. The decision of the Commission is final.

Other Types of Appeals

d) **Bypasses due to Applicant's Failure to pass a Medical or Psychological Evaluation** - M.G.L. c. 31, sec. 2 (b): The Commission has the power to hear and decide "appeals by a person aggrieved by any decision, action, or failure to act by the administrator."

e) **Appeal of Performance Evaluations** - M.G.L. c. 31, sec. 6C (c): An employee who disagrees with a performance evaluation may appeal such evaluation to the Civil Service Commission. The employee must first appeal the evaluation within ten days of receiving such evaluation to a neutral party selected by the appointing authority. The employer or the employee can then, within ten days, appeal the decision to a

three member panel appointed by the appointing authority, in conjunction with service representatives of labor. Within ten days of receipt of the decision from the three member panel, the employee may further appeal the evaluation to the Civil Service Commission.

f) Examination appeals - M.G.L. c. 31 sec. 24:

- (1) the marking of applicant's answers to essay questions;
- (2) a finding the applicant did not meet the entrance requirements for appointment to the position; or
- (3) a finding that the exam was a fair test of the applicant's fitness to perform the primary or dominant duties of the position.

g) Other types of appeals - A claim may result that is not specifically stated in this booklet. For a complete list consult Chapter 31.

V. Administration and Grading of Civil Service Exams

The Human Resources Division (HRD) conducts civil service examinations. These exams are designed to test the knowledge, skills and abilities that are required to perform the functions of the civil service position. The personnel administrator determines the passing requirements of civil service examinations. All appeals of civil service examinations must be brought to the personnel administrator. Candidates may seek further review by the Commission for: (1) a review of the marking

I allege that the foregoing constitutes a violation of basic merit principles as defined in M.G.L. Chapter 31, Section 1, Clause (a), which require that employees be recruited, selected and advanced on the basis of their relative ability, knowledge and skills, and/or a violation of the following specific provision of Chapter 31 or the rules promulgated thereunder:

I hereby certify that I have sent a copy of this appeal to the Personnel Administrator, Human Resources Division, Room 203, One Ashburton Place, Boston, MA 02108, and to the Appointing Authority involved in this matter.

(your name)

(Appointing Authority)

(your street address)

(Appointing Authority address)

(your city or town) (your zip)

(Appointing Authority city or town)

(your signature)

(your daytime telephone number)

COMMONWEALTH OF MASSACHUSETTS
CIVIL SERVICE COMMISSION

APPEAL PURSUANT TO M.G.L. CHAPTER 31, SEC. 2, PARAGRAPH (b)

(date)

Civil Service Commission
One Ashburton Place, Room 2112
Boston, MA 02108

Dear Commissioners:

I am aggrieved by the following decision, action or failure to act by the Personnel Administrator, which has caused actual harm to my employment status:

[Note: if this appeal concerns the Personnel Administrator's approval of the appointment or promotion of a person or persons ranking lower than you on a civil service list, be sure to specify the name and address of such person or persons, if known, the title of the position for which you were not selected, and the address of the Appointing Authority (agency).]

VIII. Frequently Asked Questions

1) Who do I need to contact if I have questions about applying for a civil service position or exam?

The Human Resources Division conducts, administers, maintains and certifies civil service examinations and lists. HRD should be contacted for all examination questions including registration, results, scores, exam dates and locations, grades and placement on a civil service list.

2) How do I obtain my standing on a list, a copy of a list, or a list of towns covered under civil service?

Contact the Human Resources Division at (617) 727-3555 to obtain information regarding civil service lists and standings.

3) How can I obtain a copy of civil service laws?

A copy of civil service law may be obtained by request from the Civil Service Commission.

4) Who do I speak to regarding civil service benefits and compensation?

The Massachusetts Retirement Board handles all benefits and compensation issues. They may be reached at (617) 727- 7770.

5) Do I have a right to a hearing before being disciplined?

Suspensions for five days or less do not require a pre-disciplinary hearing. Suspensions greater than five

days must be preceded by a hearing before the appointing authority.

6) Is there a deadline for appealing to the Commission when a person with a lower test score is appointed over me?

There is no deadline but an appeal should be brought as soon as a candidate becomes aware of the bypass.

7) Can I receive a copy of the appointing authority's reasons for selection of another candidate?

Yes, HRD must provide the reasons submitted by the appointing authority for selection of a lower scoring candidate.

8) Is a tie a bypass?

A tie does not qualify as a bypass.

9) Can I appeal a discipline during my probationary period?

No. Employees must be tenured (completed the probationary period) before they may appeal disciplinary actions to the Commission.

10) Can I appeal my test score to the Commission?

Yes, However the Commission has limited jurisdiction over civil service examination scores. You may only appeal to the Commission the following:

- 1) a review in the marking of answers to essay questions;
- 2) a finding the applicant did not meet the entrance requirements for appointment to the position; or
- 3) a finding that the exam was a fair test of the applicant's fitness to perform the primary or dominant duties of a position.

11) Do veterans receive hiring preference?

Yes, however, service in a branch of the armed forces does not automatically qualify a candidate for veteran's preference. HRD maintains all certification lists and candidate preference status. Questions concerning eligibility for veteran's preference should be directed to HRD. (617) 727-3555

12) Whom can you contact if this booklet does not answer a question you have?

You can contact my staff at (617) 727-2293 and they will direct your question to the appropriate person.

Civil Service Commission
1 Ashburton Place, Room 2112
Boston, MA 02108

Address Label

